

September 8, 1998

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 8, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the Mayor announced that September 1998 has been declared as "National Alcohol and Drug Addiction Recovery Month" in the State of North Carolina by Governor James B. Hunt.

Mayor Pro Tempore Clement recognized Ann Daye for remarks. Mrs. Daye expressed appreciation to the City Council and administration for their thoughtfulness on behalf of her son, John Daye who was seriously injured on September 5, 1997.

Council Member Brown reminded her colleagues of the Livable Wage Subcommittee Meeting scheduled on Wednesday, September 9, 1998 at 12 noon, Committee Room at City Hall.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Attorney Blinder requested a closed session after the regular business of council to discuss pending litigation regarding Smith Chapel Baptist Church vs. City of Durham.

SUBJECT: CLOSED SESSION

MOTION by Council Member Larson seconded by Council Member Miller to go into closed session after the regular business of council to discuss pending litigation [Smith Chapel Baptist Church vs. City] was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

City Clerk Bowers informed the Council that the \$108,000 expenditure for the election held last year included the cost for the primary election held in October. Ms. Bowers stated she spoke with Carol Booth of the Board of Elections and if a special election was held after November 3, 1998, it would cost the city approximately \$50,000.

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There were no priority items from the City Manager.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. It was noted by the Mayor that Consent Items 8 and 21 were removed from the agenda at the Committee-of-the-Whole-Meeting on Thursday, September 3, 1998.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: BANK ROBBERIES

MOTION by Council Member Larson seconded by Council Member Miller to receive an update from Police Chief Teresa Chambers concerning bank robberies was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTROLLED SUBSTANCE TAX DISTRIBUTION FUNDS AND FEDERAL ASSET FORFEITURE FUNDS PROJECT ORDINANCES FY 1998/99

MOTION by Council Member Larson seconded by Council Member Miller to adopt the City of Durham and State of North Carolina "Controlled Substance Tax Distribution" Project Ordinance FY 1998/99; and

To adopt the City of Durham and U.S. Department of Justice "Federal Asset Forfeiture Funds" Project Ordinance FY 1998/99 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11559

Ordinance #11560

SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS TO PURCHASE A BUS FROM THE DURHAM PUBLIC SCHOOL SYSTEM

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MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Federal Asset Forfeiture Funds in an amount not to exceed \$1,300 for the purchase of a bus from the Durham Public School System was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ACCEPTANCE OF \$10,000 DONATION FROM MCI TELECOMMUNICATIONS CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to accept a donation in the amount of \$10,000 from MCI Telecommunications Corporation was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None. (In return for the donation, an interactive Telephone Safety Program will be presented to the students of C. C. Spaulding School by MCI, the National Child Safety Council and National Association of Police Athletic Leagues.)

SUBJECT: PROPOSED SALE OF PROPERTY AT 3815 ALAMEDA STREET, LAURIE J. FUCHS AND M. LYNETTE HARTSELL

MOTION by Council Member Larson seconded by Council Member Miller to accept the offer of \$60,000 from Laurie J. Fuchs and M. Lynette Hartsell to purchase the property at 3815 Alameda Street was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: GRANT PROJECT ORDINANCE - POLICY FORUM AND CITYGREEN TM SOFTWARE DEMONSTRATION TRAINING WORKSHOP

MOTION by Council Member Larson seconded by Council Member Miller to adopt the "Urban and Community Forestry Grant Project Ordinance - Policy Forum and CityGreen TM Geographic Information Systems Software Demonstration Training Workshop" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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Ordinance #11561

**SUBJECT: DURHAM FIRE TRAINING ACADEMY CONCRETE/ASPHALT REPLACEMENT
- HOLMES CONTRACTING, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Holmes Contracting, Inc. in the amount of \$559,289 for the replacement of asphalt and concrete on the fire training grounds located at 2008 East Club Boulevard was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRESENTATION OF THE PROCESS AND OUTCOME EVALUATION OF THE
DURHAM COMMUNITY PREVENTION PARTNERSHIP**

To receive the attached report on process and outcome evaluation of the Durham Community Prevention Partnership (DCPP).

City Manager Ewell requested that this item be removed from the agenda.

MOTION by Council Member Larson seconded by Council Member Miller to remove this item from the agenda was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - BRISTOL PLACE OFFICE BUILDING

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Bristol Place Office Building, submitted by Rice and Associates, consisting of a 100,000 square-foot office building proposed on 4.76 acres, zoned I-1, and located south of Page Road, west of Emperor Boulevard and west of Interstate 40. (Tax Map #585-03-12A) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - 2540 MERIDIAN PARKWAY

MOTION by Council Member Larson seconded by Council Member Miller

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to approve a site plan for 2540 Meridian Parkway, submitted by the John R. McAdams Company, Inc., consisting of a 109,086 square-foot office building proposed on 6.5 acres, zoned I-2, F/J-B and MTC (partial), and located on the north side of Meridian Parkway, west of NC 55 and north of Interstate 40 (Tax Map #548-01-28) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRELIMINARY PLAT APPROVAL - WELLINGTON FOREST, PHASE II AND III

MOTION by Council Member Larson seconded by Council Member Miller to approve a preliminary plat for the Wellington Forest, Phase II and III, submitted by Rivers and Associates, Inc., consisting of 95 residential single family lots and 8.9 acres of open space, proposed on ±31.3 acre site, zoned R-10, F/J-B, and located on the south side of NC Highway 54, east of Carpenter Road and west of Amhurst Street (Tax Map #525-01-14) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC98-5) 17,443± SQUARE FEET OF GRENFELL DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution declaring the intent of the City Council to consider permanently closing 17,443± square feet of Grenfell Drive and setting a public hearing on Monday, September 21, 1998 to consider closing 17,443± square feet of Grenfell Drive was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8489

SUBJECT: ORDINANCE TO CREATE FIRE LANES ON PRIVATE PROPERTY - HOME DEPOT, WYNNSONG 10 CINEMA, FALCONBRIDGE CENTER, COMMONS AT UNIVERSITY PLACE, AND SOUTH SQUARE MALL

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance to Create Fire Lanes on Private Property Devoted to Public Use Under the Authority of Durham City Code Section 20-190, Category XVII. Fire Lanes on Private Property

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Devoted to Public Use" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11562

SUBJECT: CITY OF DURHAM DRAFT AIR QUALITY ACTION PLAN

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the City of Durham Air Quality Action Plan was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: VOLUNTARY PETITIONS FOR ANNEXATION - GRANDOVER SUBDIVISION (FY99-04) AND BUCK CROSSING (FY99-05)

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on voluntary annexation petitions for Grandover Subdivision located at the intersection of Bivins and Umstead Roads and Buck Crossing located on the east side of Highway 751, south of I-40 and north of Massey-Chapel Road; and

To accept the City Clerk's certification of 100% ownership as required by N. C. General Statutes 160A-58; and

To adopt resolutions scheduling public hearings on Monday, September 21, 1998 at 7:30 p.m. to consider the two petitions for annexation was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8490

Resolution #8491

SUBJECT: PROPOSED ACQUISITION FOR GATTIS STREET REVITALIZATION PROJECT - PROPERTY OF ALFREDO AND BALVINA ALVAREZ, 813 AND 815 GATTIS STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 813 and 815 Gattis Street, Tax Map 156-01-034, property of Alfredo

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Alvarez and Wife Balvina Alvarez for \$50,000 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO STATIONARY CONTAINER SERVICE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance Amending Chapter 10 of the Durham City Code to Provide Stationary Container Solid Waste Collection Service to Housing Units that Qualify for Roll Out Cart Service" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11563

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH TRINITY BUILDERS, LLC - GRANDOVER SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Trinity Builders, LLC to extend City water and sewer service to Grandover Subdivision, Phase I and Phase II, located at the intersection of Umstead and Bivins Roads was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT WITH JAMES SCOTT RILEY - ROSELAND AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water Extension Agreement with James Scott Riley to extend a City water main along a section of Roseland Avenue from Crestview Drive west approximately 170 feet was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SENATE BILL 452

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MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning Senate Bill 452 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: 1998-1999 BEER AND WINE LICENSES

To approve the issuance of Beer and Wine Licenses to the establishments listed in the attachment.

City Manager Ewell requested that this item be removed from the agenda.

MOTION by Council Member Larson seconded by Council Member Miller to remove this item from the agenda was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING EVELYN W. MCKISSICK

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution honoring Evelyn W. McKissick was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TRAFFIC SIGNAL - FAYETTEVILLE STREET AND ELMIRA AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the installation of a traffic signal at the intersection of Fayetteville Street and Elmira Avenue (subject to North Carolina Department of Transportation approval); and

To authorize the expenditure of up to \$50,000 from the Miscellaneous Thoroughfares Account for the signal/installation was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WARNING FLASHERS - CORNWALLIS ROAD AND BEECHWOOD AVENUE

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MOTION by Council Member Larson seconded by Council Member Miller to authorize the installation of warning flashers on Cornwallis Road at Beechwood Avenue; and

To authorize the expenditure of up to \$11,500 from the Miscellaneous Thoroughfares Account for the flashers/installation was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BID REPORT - JUNE 1998

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of June 1998 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[See Attachment #1 for itemized bid report]

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR AGGREGATES, BENCHMARK CAROLINA AGGREGATES

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Benchmark Carolina Aggregates in the amount of \$217,525 for aggregates delivered (Section 1), aggregates/customer pickup (Section II), and special aggregates delivered (Section III); and

To waive the requirement for a Performance Bond was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR THERMOPLASTIC PAVEMENT MARKING MATERIAL - CROWN TECHNOLOGY

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Crown Technology in the amount of \$122,034 for furnishing the City with its estimated annual requirements for thermoplastic pavement marking material; and

To waive the requirement for a Performance Bond was approved at

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7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None. .

SUBJECT: TRAFFIC THERMOPLASTIC LINE REMOVAL - CLARK PAVEMENT MARKING, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Clark Pavement Marking, Inc. in the amount of \$31,944 for traffic line removal was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TAXICAB DRIVER'S PERMITS

MOTION by Council Member Larson seconded by Council Member Miller to receive a listing from the Taxicab Inspector concerning the issuance of certain taxicab driver's permits was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

The following persons made application for a new taxicab driver's permit.

NAME	CAB COMPANY
Ali H. Omar	Safeway
Abdul-Jalil Rasheed-Burnette	Courtesy
Augustus Herndon	McKay's
Harold Jones	Bates'
Malik A.M. Eldin	A.M.A.

The following persons made application for renewal of their taxicab driver's permit.

Herbert Bell, Jr.	Star
Earnest Johnson	Star/Johnson's
George Reed	M & L
James Gardner	Sonny's
Paul Thompson	P.M.
Wallace Braswell	Bluebird
Reginald Johnson	Johnny's
Ahmed Mohammed	AZM
William Bunch	Bluebird

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Eric Tillman
Algin Holloway
Maurice Ochola
Stephen Dixon
Willie Weeks, Jr.
Victor Sutton

Doc's
Bull City/Deluxe
DART
Isoke's
Weeks & W. W.
Hawk

The following persons made late application for renewal of their taxicab driver's permit.

Elbert Easter
Monroe Merritt
Milford Williams
Ralph McCoy
Michale Shanyfelt
Lottie Smith
Emmanuel Amedakah
Willie N. Smith

M & L
Merritt
Met'r
REM
Danite II
J & L
Bajwa's
Bajwa's

SUBJECT: PARKING PROHIBITION - TUCKER STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking on the west side of Tucker Street between Dowd Street and Lyric Street was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11564

SUBJECT: TWENTY-FIVE MILES PER HOUR SPEED LIMIT - KINLOCK DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 miles per hour speed limit on Kinlock Drive beginning at the south curb line of Latta Road, if extended, and extending southward to the end of City maintenance was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11565

SUBJECT: STOP SIGNS - EAGLES POINTE

MOTION by Council Member Larson seconded by Council Member Miller

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to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Eagle View Drive at NC 751, northeast corner
- 2) Mackenzie Court at Eagle View Drive, southeast corner
- 3) Crenshaw Lane at Eagle View Drive, southeast corner
- 4) Chatsworth Way at Eagle View Drive, southeast corner
- 5) Morrell Lane at Mackenzie Court, northeast corner
- 6) Crenshaw Lane at Morrell Lane, northwest corner
- 7) Chatsworth Way at Morrell Lane, northwest corner

Ordinance #11566

SUBJECT: STOP SIGNS - WOODCREEK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Forest Creek Drive at Forest Ridge Drive, northwest corner
- 2) Penly Court at Forest Ridge Drive, southeast corner

Ordinance #11567

SUBJECT: LOADING AND UNLOADING ZONE - FAYETTEVILLE STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #11421, adopted May 4, 1998, establishing a loading and unloading zone on the west side of Fayetteville Street in the area beginning at a point 63 feet south of the south curb line of Linwood Avenue, if extended, and extending for a distance of 65 feet southwardly; and

To adopt an ordinance to establish a loading and unloading zone between the hours of 7:00 a.m. and 6:00 p.m. on the west side of Fayetteville Street in the area beginning at a point 63 feet south of the south curb line of Linwood Avenue, if extended, and extending for a distance of 65 feet southwardly was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: None.

Ordinance #11568

Ordinance #11569

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the following City Council Meetings was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Special Meeting - July 30, 1998

Regular Meeting - August 3, 1998

Regular Meeting - August 17, 1998

[GENERAL BUSINESS AGENDA]

SUBJECT: PETITIONED ANNEXATION - FY99-03, RIDGEWOOD SUBDIVISION

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58; and

To receive citizens' comments concerning the annexation of Ridgewood Subdivision, which consists of 51.84 acres non-contiguous to the City Limits and located on Mineral Springs Road and west of Fletcher's Chapel Road/Stallings Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Ridgewood Subdivision)"--effective December 31, 1998 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11570

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SUBJECT: USE OF ECONOMIC DEVELOPMENT INVESTMENT FUNDS - IBM CORPORATION (WHOLLY-OWNED SUBSIDIARY, TIVOLI, INC.)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ted Conner, representing the Durham Chamber of Commerce, spoke in support of this item.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning an Agreement between the City and the applicant, IBM Corporation, regarding the use of Economic Development Investment Funds for this project; and

To authorize the City Manager to execute an "Agreement between IBM Corporation and the City of Durham Regarding Reimbursement for Economic Development Activities" was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: WATER SALES AGREEMENTS - MORRISVILLE, CARY, HILLSBOROUGH, AND ORANGE-ALAMANCE WATER SYSTEM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into Water Purchase Agreements with Morrisville, Cary, Hillsborough, and Orange-Alamance Water System, Inc. was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DISTRIBUTION OF TWO-OUNCE SAMPLES OF BEER TO ALL ABOUT BEER MAGAZINE'S WORLD BEER FESTIVAL PARTICIPANTS - OCTOBER 8, 1998 TO OCTOBER 12, 1998

Daniel Bradford, representing Chautauqua, Inc., asked council to support this request.

Mayor Pro Tempore Clement read a letter from the Board of Directors of the Durham Community Prevention Partnership regarding

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this matter. The DCP Board stated should the City Council decide to endorse the World Beer Festival, it is the board's position that every effort be made to insure that the event is conducted in a responsible manner. The DCP Board recommended the following actions:

1. The event sponsors should be held accountable for stringently checking the identification of attendees to insure that all persons who drink at the event are age 21. There should be some method adopted that clearly identifies persons permitted to drink, such as wrist bands.
2. Promotion of this event should include an onsite safe rides program, use of designated drivers and other measures to reduce drinking and driving.
3. The DCP Board would like permission to place posters with anti-drinking and driving messages on the barriers used to close streets for the event. Poster messages such as "Friends Don't Let Friends Drive Drunk" would be used.

Daniel Bradford, representing Chautauqua, Inc., stated they do have a method in place that clearly identifies persons permitted to drink. With regard to drinking and driving, he stated his organization would pay for the cab ride to insure persons get to their homes. Also, he noted his organization would be giving away booths to non-profits and welcomed DCP to utilize this opportunity.

MOTION by Council Member Larson seconded by Council Member Miller to approve a request from Chautauqua, Inc., publishers of *All About Beer Magazine*, to distribute two-ounce samples of beer for two 4 1/2 hour sessions to festival participants as part of the World Beer Festival was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Engelhard, Griffin, Jacobs, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Langley, Burnette, Cox, Miller and Brown. Absent: None.

(Note: Closing of Blackwell Street from Willard Street to Pettigrew Street and Dillard Street to Mangum Street to be handled administratively through a Special Events Permit.

[SUPPLEMENTAL AGENDA]

SUBJECT: PETITION TO INITIATE A REFERENDUM ON A PROPOSED REDUCTION IN THE SIZE OF CITY COUNCIL

To adopt a "Resolution to Call a Special Election on Proposed

September 8, 1998

Amendments to the City Charter Regarding the Size of City Council" on Tuesday, November 3, 1998.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution to Call A Special Election on Proposed Amendments to the City Charter Regarding the Size of City Council" on Tuesday, November 3, 1998.

Council Member Miller stated he considered the timing of this particular issue very important and the council needed to insure that the community had a full-two sided debate and discussion on this matter. He noted to really focus on this issue the council should not have this matter in a place that will be clouded by other issues.

Council Member Miller offered a substitute motion that a special election be held on Tuesday, December 8, 1998 and as a small addendum it be named a proposition. This motion was seconded by Council Member Cox.

Several members of Council spoke in opposition to Council Member Miller's motion and urged the support of the motion to schedule the date of the special election on Tuesday, November 3, 1998.

SUBSTITUTE MOTION by Council Member Miller seconded by Council Member Cox to adopt a "Resolution to Call a Special Election on Proposed Amendments to the City Charter Regarding the Size of City Council" on Tuesday, December 8, 1998 was approved at 8:12 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Langley and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members McKissick, Jacobs, Larson and Griffin. Absent: None.

Resolution #8488

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk